

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Richard Twomey, et al. Conf No: 6010

Serial No.: 10/564,130 Art Unit: 3774

Filed : January 10, 2006 Examiner: A.M. Schillinger

For : BONE CEMENT PLUG

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being submitted electronically to the  
United States Patent & Trademark Office on December 1, 2008

/Brian S. Tomko/Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant(s) hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated August 1, 2008 finally rejecting Claims 1-3, 5, 8-20 of the above-identified application.

The item(s) checked below are appropriate:

1.  An extension of time to respond to the final rejection was granted on month(s). for
2.  A Petition For Extension Of Time under 37 CFR 1.136 will be paid by the USPTO fee portion of the e-filing system.
3.  A timely response to the final rejection has been filed.
4.  Fee \$540.00: for filing of Notice of Appeal  
 Not required (fee paid in prior appeal)  
 Charge to Deposit Account No. 10-0750/DEP5008/BST.  
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment in connection herewith to Deposit Account No. 10-0750/DEP5008/BST.

Respectfully submitted,

/Brian S. Tomko/

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